

REMARKS/ARGUMENTS

Claims 1-5, 7 and 8 remain in the application, all of which stand rejected. Claim 6 has been canceled, without prejudice.

The specification has been amended to correct two temperature values that were incorrect. The correction of these temperatures, which can be measured, is not believed to introduce new matter.

1. Rejection of Claims 1-8 Under 35 USC 102(b)

Claims 1-8 stand rejected under 35 USC 102(b) as being anticipated by Kawano et al (US 6,319,338; hereinafter "Kawano").

With respect to claim 1, the Examiner notes that 1) claim 1 does not recite specific annealing, quenching and carbon partitioning temperatures, and 2) the annealing, quenching and carbon partitioning temperatures discussed in applicants' specification overlap various temperature ranges disclosed by Kawano. Because of this, the Examiner asserts that Kawano's processing steps would inherently result in A) martensite formation during quenching, and B) carbon partitioning that transfers carbon from said martensite to said remaining austenite sufficient to produce stable or metastable retained austenite and carbon-depleted martensite.

Applicants agree that, in certain examples disclosed by Kawano, the temperature ranges disclosed by Kawano overlap the temperature ranges covered by applicants' previous claim 1. However, it is clear from a reading of Kawano's disclosure that Kawano did not envision control of the martensitic and austenitic transformations disclosed in applicants' specification. Rather, the focus of Kawano's invention is the control of ferritic and bainitic transformations. Given this context, and the different focuses of applicants' and Kawano's disclosures, applicants have amended claim 1 to define a relationship between the type of steel alloy, the martensite start temperature,

and the quenching temperature. This relationship clearly distinguishes the method recited in claim 1 from the method disclosed by Kawano, and makes it clear that the steel-specific quenching temperatures disclosed by Kawano do not overlap the steel-specific quenching temperatures covered by claim 1.

Support for the amendments to claim 1 is found, at least, on page 3, lines 14-20; on page 5, lines 3-5; and on page 6, lines 11-16, of applicants' specification. Support is also found in Eqs. 1, 2, 5 and 6.

Claim 1 is believed to be allowable for at least the above reason.

Claims 2-5, 7 and 8 are believed to be allowable, at least, because they depend from claim 1.

Given the cancellation of claim 6, the rejection of this claim has been rendered moot.

2. Conclusion

In light of the amendments and remarks provided herein, applicants respectfully request the issuance of a Notice of Allowance.

Respectfully submitted,
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